

AMENDED IN ASSEMBLY MAY 28, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 2593**

**Introduced by Assembly Members Rod Pacheco and Bogh**

February 21, 2002

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An act to amend Section 626.7 of the Penal Code, relating to school safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2593, as amended, Rod Pacheco. School safety plans.

Existing law provides that if a person who is not a student, officer, or employee of a public school enters a campus or school facility and appears to commit an act likely to interfere with the peaceful conduct of the campus or facility, he or she may be directed to leave by the chief administrative officer or his or her designee. Failure to leave, or reentry within either 7 or 30 days, as specified, is unlawful.

This bill would provide that it is unlawful for a person who is not a student, officer, or employee to ~~remain upon a campus or school facility without following the posted requirements to contact the administrative offices of the campus after having been asked to leave by the chief administrative officer or his or her designee or to thereafter return to the campus, after being directed to leave,~~ without following the posted requirements *to contact the administrative offices of the campus*. This bill would specify that these provisions apply to areas of the campus or facility outside of the common areas where public business is

conducted. Because this bill would change the elements of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 626.7 of the Penal Code is amended to  
2 read:

3 626.7. (a) If a person who is not a student, officer, or  
4 employee of a public school, and who is not required by his or her  
5 employment to be on the campus or any other facility owned,  
6 operated, or controlled by the governing board of that school,  
7 enters a campus or facility outside of the common areas where  
8 public business is conducted, and it reasonably appears to the chief  
9 administrative officer of the campus or facility, or to an officer or  
10 employee designated by the chief administrative officer to  
11 maintain order on the campus or facility, that the person ~~entered~~  
12 ~~the campus or facility without following the posted requirements~~  
13 ~~to contact the administrative offices of the campus, the chief is~~  
14 *committing any act likely to interfere with the peaceful conduct of*  
15 *the activities of the campus or facility, or has entered the campus*  
16 *or facility for the purpose of committing any such act, the chief*  
17 administrative officer or his or her designee may direct the person  
18 to leave the campus or facility. If that person fails to do so or if the  
19 person returns without following the posted requirements *to*  
20 *contact the administrative offices of the campus*, he or she is guilty  
21 of a misdemeanor and shall be punished as follows:

22 (1) Upon a first conviction, by a fine of not more than five  
23 hundred dollars (\$500), by imprisonment in a county jail for a  
24 period of not more than six months, or by both that fine and  
25 imprisonment.

26 (2) If the defendant has been previously convicted once of a  
27 violation of any offense defined in this chapter or Section 415.5,

1 by imprisonment in a county jail for a period of not less than 10  
2 days or more than six months, or by both that imprisonment and  
3 a fine of not more than five hundred dollars (\$500), and the  
4 defendant shall not be released on probation, parole, or any other  
5 basis until he or she has served not less than 10 days.

6 (3) If the defendant has been previously convicted two or more  
7 times of a violation of any offense defined in this chapter or  
8 Section 415.5, by imprisonment in a county jail for a period of not  
9 less than 90 days or more than six months, or by both that  
10 imprisonment and a fine of not more than five hundred dollars  
11 (\$500), and the defendant shall not be released on probation,  
12 parole, or any other basis until he or she has served not less than  
13 90 days.

14 For purposes of this section, a representative of a school  
15 employee organization engaged in activities related to  
16 representation, as provided for in Chapter 10.7 (commencing with  
17 Section 3540) of Division 4 of Title 1 of the Government Code,  
18 shall be deemed a person required by his or her employment to be  
19 in a school building or on the grounds of a school.

20 (b) The provisions of this section shall not be utilized to  
21 impinge upon the lawful exercise of constitutionally protected  
22 rights of freedom of speech or assembly.

23 (c) *When a person is directed to leave pursuant to subdivision*  
24 *(a), the person directing him or her to leave shall inform the person*  
25 *that if he or she reenters the campus or facility without following*  
26 *the posted requirements to contact the administrative offices of the*  
27 *campus, he or she will be guilty of a crime.*

28 (d) Notwithstanding any other subdivision of this section, the  
29 chief administrative officer, or his or her designee, shall allow a  
30 person previously directed to leave the campus or facility pursuant  
31 to this section to reenter the campus if the person is a parent or  
32 guardian of a pupil enrolled at the campus or facility who has to  
33 retrieve the pupil for disciplinary reasons, for medical attention,  
34 or for a family emergency.

35 SEC. 2. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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